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CLEVEVLAND, OH 44114

MAILED

JUL 02 2009

OFFICE OF PETITIONS

In re Application of :  
Gary W. Procop :  
Application No. 10/550,787 : ON PETITION  
Filed: September 27, 2005 :  
Attorney Docket No. CCF-6566PCT/US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 29, 2007, to revive the above-identified application. The delay in responding is regretted.

The petition is **DISMISSED**.

The above-identified application became abandoned in response to the petition under 37 CFR 1.138 filed October 29, 2007 requesting express abandonment to avoid publication of the above-identified application.

A review of record shows that a response to the Restriction/Election Requirement mailed October 26, 2007 was timely filed. On October 29, 2007, both a petition for express abandonment under 37 CFR 1.138(c) and a petition to revive was filed. Thereafter, the Office recognized the express abandonment in the above application on March 23, 2009.

As authorized, the petition fee of \$810 has been charged to petitioner's deposit account.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The present petition lacks item(s) (3).

It is noted that the petition fails to contain the statement required by 37 CFR 1.137(b), which states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Therefore, it is recommended that petitioner use form PTO/SB/64, which can be located on the website at [www.uspto.gov](http://www.uspto.gov).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b) and include the statement required by 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 35 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

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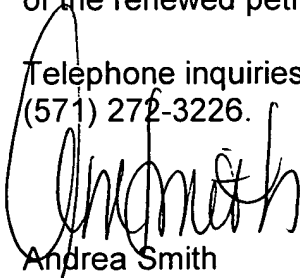
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The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "Andrea Smith", is written over the printed name and title.

Andrea Smith  
Petitions Examiner  
Office of Petitions